

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

In re:)
)
EAGLE PROPERTIES AND) Bankruptcy Case
INVESTMENTS, LLC,) No. 23-10566-KHK
) Chapter 7
Debtor.)
)

**ORDER APPROVING SALE OF 449 LAWYERS RD, NW, VIENNA, VA FREE AND
CLEAR OF LIENS, CLAIMS AND INTERESTS PURSUANT TO 11 U.S.C. §§ 363(f)**

UPON CONSIDERATION of the motion (Docket No. 415) ("Motion") of H. Jason Gold, chapter 7 trustee ("Trustee"), to approve the sale of the property commonly known as 449 Lawyers Rd., NW, Vienna, VA ("Property"); and it appearing that proper and adequate notice of the Motion has been given and that no further notice is necessary; and it appearing that the sale of the Property as set forth in the Motion is in the best interest of the estate and its creditors, and it further appearing that based upon the endorsements of counsel set forth below that Fulton Bank, N.A., Gus Goldsmith and Bala Jain, LLC have consented to the sale of the Property as set forth herein, free and clear of all liens, claims and interests, accordingly:

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED.
2. The Trustee is authorized to sell the Property¹ to Anchor Homes LLC (the

¹ Having the following legal description:

“Purchaser”) for \$850,000.00 consistent with the sales contract attached to the Motion as Exhibit

A.

3. The Trustee is authorized to pay the secured claim of Fulton Bank, N.A. in full at closing, including the payment of attorney’s fees in the amount of \$18,085 as set forth in the draft ALTA attached hereto as Exhibit A (“ALTA”).

4. Upon the Trustee’s payment to Fulton Bank, N.A. of cash collateral from the Property in the amount of \$6,915, Fulton Bank, N.A. shall apply such cash to its attorney’s fees.

5. Fulton Bank, N.A.’s consent to this sale is conditioned on receipt of full payment of principal, interest, late charges, and legal fees of \$25,000.00.

6. The Trustee is authorized to pay the secured claim of Gus Goldsmith in the amount of \$163,647.88 consistent with the ALTA. Gus Goldsmith’s consent to this sale and release of liens is conditioned upon receipt of total proceeds of \$338,647.88 from the sale of the Property and the sale of the property located at 1010 Lynn Street, SW, Vienna, Virginia with such sales closing contemporaneously.

7. At closing, the Trustee shall receive, for the benefit of the estate the sum of \$25,500.00 representing his commission under Section 326 of the Bankruptcy Code plus \$42,500.00 as additional consideration for the bankruptcy estate free and clear of all liens, claims

Lot Ninety-Seven (97) and part of Lot Ninety-Six (96), Section Two (2), VIENNA HILLS and a Resubdivision of Out Lot of a Resubdivision of Lots 10, 11 and 12, and Out Lot of Section One, Vienna Hills, Town of Vienna, Fairfax County, Virginia, as the same appears duly dedicated, platted and recorded in Deed Book 1235 at Page 357, among the Fairfax County, Virginia, Land Records; the description of the portion of Lot 96 hereby conveyed being described as follows:

BEGINNING at a point on the Southeasterly line of Upham Place, a corner to Lots 96 and 97, Section 2, VIENNA HILLS; thence with the said line of Upham Place, N. 33 degrees 38' 57" E. 10.00 feet to a point; thence through the said Lot 96, S. 54 degrees 14' 23 " E. 103.75 feet to a point in the line of Lot 66; thence with Lot 97, N. 54 degrees 14' 23 " W. 103.38 feet to the point of beginning, containing 1,036 square feet, lying and being in the County of Fairfax, Virginia.

and interests.

8. The Trustee is authorized to pay a three percent (3%) commission to his broker Century 21 New Millennium at closing for services rendered in representing the Trustee in connection with the sale.

9. The Trustee is authorized to pay a two-and-a-half percent (2.5%) commission to Innovation at closing for services rendered in representing the Purchaser in connection with the sale.

10. The Trustee is authorized to pay all outstanding real estate taxes and other customary closing costs consistent with the ALTA.

11. The Trustee is authorized to pay Bala Jain, LLC the remaining net proceeds of sale after all costs, consistent with the ALTA.

12. The Trustee is authorized to reimburse Auction Markets, LLC at closing in an amount not to exceed \$1,000.00 for any utility and property preservation expenses as needed.

13. The Trustee is authorized to request and receive all information concerning the liens and debt held by any secured creditor necessary to close on the sale including but not limited to the loan payoff balance, proof of lien perfection, hazard insurance coverage, escrow account balance and other information. Secured creditors are authorized and directed to promptly provide said information to the Trustee upon request of the Trustee, subject to the right of any secured creditor to oppose the request.

14. This Order may be recorded in the land records wherein the subject Property is located.

15. This Court retains jurisdiction with respect to any disputes regarding the Property following the sale.

16. This Order shall be effective immediately and shall not be subject to the stay provided in Federal Rule of Bankruptcy Procedure 6004(h) or any other applicable stay.

Dated: May 22 2024

/s/ Klinette H Kindred
United States Bankruptcy Judge

Entered On Docket: May 23 2024

PREPARED BY:

NELSON MULLINS RILEY & SCARBOROUGH LLP
101 Constitution Avenue, NW, Suite 900
Washington, DC 20001
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Email: dylan.trache@nelsonmullins.com

By: /s/ Dylan G. Trache
Dylan G. Trache, Va. Bar No. 45939

Counsel to the Chapter 7 Trustee

SEEN AND AGREED:

GORDON FEINBLATT LLC
1001 Fleet Street, Suite 700
Baltimore, Maryland 21202
Phone/Fax No. (410) 576-4194
E-mail: dmusgrave@gfrlaw.com

BY: /s/ David S. Musgrave (by DGT with authority)
David S. Musgrave (Bar No. 35327)

Attorneys for Fulton Bank, N.A.

AND

ROGAN MILLER ZIMMERMAN, PLLC

50 Catoctin Circle, NE, Suite 300
Leesburg, Virginia 20176
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BY: /s/Christopher L. Rogan (by DGT with authority)
Christopher L. Rogan (Bar No. 30344)

Attorneys for Bala Jain, LLC

AND

MCNAMEE, HOSEA, P.A
6404 Ivy Lane, Suite 820
Greenbelt, MD 20770
Phone No.: (301) 441-2420
E-mail: jfasano@mhlawyers.com

BY: /s/ Justin P. Fasano (by DGT with authority)
Justin P. Fasano (Bar No. 75983)

Attorneys for Gus Goldsmith

CERTIFICATION PURSUANT TO LOCAL RULE 9022-1(C)

I HEREBY CERTIFY that this Order has been endorsed by all necessary parties.

/s/ Dylan G. Trache
Dylan G. Trache

LIST OF PARTIES TO RECEIVE NOTICE OF ENTRY
PURSUANT TO LOCAL RULE 9022-1

Dylan G. Trache
NELSON MULLINS RILEY & SCARBOROUGH LLP
101 Constitution Avenue, NW, Suite 900
Washington, DC 20001

Michael Freeman
OFFICE OF THE UNITED STATES TRUSTEE
1725 Duke Street, Suite 650
Alexandria, Virginia 22314

Stephen Karbelk
Team Leader, RealMarkets
Century 21 New Millennium
Century 21 Commercial New Millennium
6629 Old Dominion Drive
McLean, VA 22101

David S. Musgrave
GORDON FEINBLATT LLC
1001 Fleet Street, Suite 700
Baltimore, MD 21202

Justin Fasano
MCNAMEE, HOSEA, P.A
6404 Ivy Lane, Suite 820
Greenbelt, MD 20770

Christopher Rogan
ROGAN MILLER ZIMMERMAN, PLLC
50 Catoctin Circle, NE, Suite 300
Leesburg, Virginia 20176

Exhibit A

C. Note: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c.)" were paid outside the closing; they are shown for information purposes and are not included in the totals.

D. Name and Address of Borrower ANCHOR HOMES LLC 6862 Elm Street, #100 McLean, VA 22101	E. Name and Address of Seller H. Jason Gold, Chapter 7 Trustee in Bankruptcy in re: Eagle Properties and Investments LLC	F. Name and Address of Lender NOT APPLICABLE (CASH TRANSACTION)
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G. Property Location 449 Lawyers Road, NW Vienna, VA 22180 Lot 97 & Pt of Lot 96, Section 2, VIENNA HILLS Town of Vienna, Fairfax County, VA	H. Settlement Agent William A. Marshall, Attorney-at-Law 7006-G Little River Turnpike, Annandale, VA 22003
	Place of Settlement 7006 Little River Turnpike, Suite G Annandale, Virginia 22003

J. SUMMARY OF BORROWER'S TRANSACTION:**K. SUMMARY OF SELLER'S TRANSACTION:****100. GROSS AMOUNT DUE FROM BORROWER**

101. Contract sales price	850,000.00	401. Contract sales price	850,000.00
102. Personal property		402. Personal property	
103. Settlement charges to borrower (line 1400)	6,467.33	403.	
104.		404.	
105.		405.	

Adjustments for items paid by seller in advance

106. City/town taxes	05/30/24 to 06/30/24	145.11	406. City/town taxes	05/30/24 to 06/30/24	145.11
107. County taxes	05/30/24 to 06/30/24	869.52	407. County taxes	05/30/24 to 06/30/24	869.52
108. Assessments	to		408. Assessments	to	
109.			409.		
110.			410.		
111.			411.		
112.			412.		

120. GROSS AMOUNT DUE FROM BORROWER

857,481.96

420. GROSS AMOUNT DUE TO SELLER

851,014.63

200. AMOUNTS PAID BY OR IN BEHALF OF BORROWER

201. Deposit or earnest money		50,000.00	501. Excess Deposit (see instructions)	
202. Principal amount of new loan(s)			502. Settlement charges to seller (line 1400)	153,045.72
203. Existing loan(s) taken subject to			503. Existing loans taken subject to	
204.			504. Payoff of first mortgage loan	532,997.08
			FULTON BANK, N.A.	
205.			505. Payoff of second mortgage loan	163,647.88
			GUS GOLDSMITH	
206.			506. Payoff to BALA JAIN LLC	1,323.95
207.			507.	
208.			508.	
209. Agent Credit		21,250.00	509.	

Adjustments for items unpaid by seller

210. City/town taxes	to		510. City/town taxes	to
211. County taxes	to		511. County taxes	to
212. Assessments	to		512. Assessments	to
213.			513.	
214.			514.	
215.			515.	
216.			516.	
217.			517.	
218.			518.	
219.			519.	

220. TOTAL PAID BY / FOR BORROWER

71,250.00

520. TOTAL REDUCTION AMOUNT DUE SELLER

851,014.63

300. CASH AT SETTLEMENT FROM OR TO BORROWER**600. CASH AT SETTLEMENT TO OR FROM SELLER**

301. Gross amount due from borrower (line 120)	857,481.96	601. Gross amount due to seller (line 420)	851,014.63
302. Less amounts paid by/for borrower (line 220)	71,250.00	602. Less reduction amount due to seller (line 520)	851,014.63
303. CASH FROM BORROWER	786,231.96	603. CASH TO SELLER	0.00

801. Loan Origination Fee	%		
802. Loan Discount	%		
803. Appraisal Fee	to		
804. Credit Report	to		
805. Lender's Inspection Fee	to		
806. Document Prep.Fee	to		
807. Tax Service Fee	to		
808.			
809.			
810.			
811.			
812.			
813.			
814.			
815.			

900. ITEMS REQUIRED BY LENDER TO BE PAID IN ADVANCE

901. Interest from	to	@\$	/day	
902. Mortgage Insurance Premium	to			
903. Hazard Insurance Premium	to	yr. to		
904.				
905.				

1000. RESERVES DEPOSITED WITH LENDER FOR

1001. Hazard Insurance	mo. @\$	/ mo.	
1002. Mortgage Insurance	mo. @\$	/ mo.	
1003. City property taxes	mo. @\$	/ mo.	
1004. County property taxes	mo. @\$	/ mo.	
1005. Annual Assessments	mo. @\$	/ mo.	
1006.	mo. @\$	/ mo.	
1007.	mo. @\$	/ mo.	
1008. Aggregate Reserve for Hazard/Flood Ins, City/Count			

1100. TITLE CHARGES

1101. Settlement or closing fee	to	William A. Marshall, Attorney-at-Law	375.00	150.00
1102. Abstract or title search	to	AHA, LLC	225.00	
1103. Title examination	to	William A. Marshall, Attorney-at-Law	150.00	
1104. Title insurance binder	to			
1105. Document preparation	to	William A. Marshall, Attorney-at-Law	185.00	
1106. Notary fees	to			
1107. Attorney's fees	to			
(includes above item No:)		
1108. Title insurance	to	Guarantee Title Insurance Agency, Inc./CWL	2,082.00	
(includes above item No:)		
1109. Lender's coverage				
1110. Owner's coverage	850,000.00	-- 2,082.00 Standard Policy/Reissue Rate/Nego Premium (Optional)		
1111. Overnight Delivery Svc & Hndlg	William A. Marshall, Attorney-at-Law		50.00	
1112. Reconveyance Tracking Service	William A. Marshall, Attorney-at-Law		85.00	
1113. Additional Charges *** See Attached Addendum ***			85.00	

1200. GOVERNMENT RECORDING AND TRANSFER CHARGES

1201. Recording fees	Deed \$	47.00	; Mortgage \$; Releases \$	47.00
1202. City/county/stamps	Deed \$	708.33	; Mortgage \$		708.33
1203. State tax/stamps	Deed \$	2,125.00	; Mortgage \$		2,125.00
1204. GRANTORS TAX	Deed \$	850.00	; Mortgage \$		850.00
1205. Additional Charges *** See Attached Addendum ***					1,700.00

1300. ADDITIONAL SETTLEMENT CHARGES

1301. Survey	to	N/A		
1302. Pest inspection	to	N/A		
1303. Expense Reimbursement	RealMarkets			1,000.00
1304. Bankruptcy Estate Payment	H. Jason Gold, Trustee			42,500.00
1305. 326(a) Trustee Commission	H. Jason Gold, Trustee			25,500.00
1306. Legal Fees	Gordon Feinblatt LLC	6915S		18,085.00
1307. Delinquent 2023 RE Taxes	Town of Vienna			332.64
1308. Additional Charges *** See Attached Addendum ***				16,178.08
1400. TOTAL SETTLEMENT CHARGES	(enter on lines 103 and 502, Sections J and K)		6,467.33	153,045.72

File Number: T-23493

Settlement Date: 05/30/24

Proration Date: 05/30/24

SELLER(S):

H. Jason Gold, and Chapter 7 Trustee in
Bankruptcy in re: and Eagle Properties and Investments LLC

PURCHASER(S):

ANCHOR HOMES LLC

LENDER:

NOT APPLICABLE (CASH TRANSACTION)

Loan Amount:**Loan Number:** -----**PROPERTY:**

449 Lawyers Road, NW, Vienna, VA 22180
Lot 97 & Pt of Lot 96, Section 2, VIENNA HILLS, Town of Vienna, Fairfax County, VA

	Borrower	Seller
--	----------	--------

ITEMS PAYABLE IN CONNECTION WITH LOAN

816.			
817.			
818.			
819.			
	TOTALS		

TITLE CHARGES

1114. Technology & Storage Fee	Landtech	35.00	
1115. Wire Fee	William A. Marshall, Attorney-at-Law	45.00	
1116. e-Record Fee	Simplifile	5.00	
1117.			
1118.			
1119.			
1120.			
1121.			
	TOTALS	85.00	

GOVERNMENT RECORDING AND TRANSFER CHARGES

1206. REG. WMATA CAPITA	850.00	Mortgage \$	850.00
1207. REG. CONG. RELIEF	850.00	Mortgage \$	850.00
1208.			
1209.			
1210.			
1211.			
1212.			
	TOTALS		1,700.00

ADDITIONAL SETTLEMENT CHARGES

1309. Delinquent 2023 RE Taxes	Fairfax County, Dept. of Tax Admin.		10,407.41
1310. Town RE Taxes 2024 EST	Town of Vienna		825.29
1311. County RE Taxes 2024 EST	Fairfax County, Dept. of Tax Admin.		4,945.38
1312.			
1313.			
	TOTALS		16,178.08

P R E L I M I N A R Y